

MINUTES OF THE  
CITY OF BURLINGTON  
CITY COUNCIL MEETING  
January 5, 2010  
7:00 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on January 5, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,  
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

APPROVAL OF MINUTES:

Mayor Wall called for approval of the City Council minutes of the meeting of December 15, 2009.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the minutes of the meeting held on December 15, 2009.

ADD-ON: CONSENT AGENDA: Appointments to Advisory Boards and Commissions

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the add-on.

ADOPTION OF AGENDA

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) To set a date of public hearing for January 19, 2010, to consider correction of a clerical error in the City of Burlington Zoning Ordinance text.
- B) To approve a final plat of the Burlington Alamance County Development Corporation Subdivision located on the north side of North Church Street approximately 280 feet west of North Sellars Mill Road as shown on plans by Carolina Cornerstone Surveying dated October 26, 2009, and containing two lots.
- C) Budget Amendment 2010-29 - Fire Department - Donation from McMichael Mills

BA2010-29

Increase Revenues:

010-33303-5340 Contributions - Fire \$2,500

Increase Expenditures:

010-53535-3300 Departmental Supplies \$2,500

- D) To make the following appointments to the Advisory Boards and Commissions:

- Reappoint Paula Lowe, Samuel Powell and Glenn Van Fleet to the Burlington-Alamance Airport Authority
- Appoint Roger Meisenbach and Alvin Jeffers to the Traffic Commission
- Appoint Morris McAdoo to the Burlington Housing Commission

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the foregoing consent agenda.

UNFINISHED BUSINESS:

ITEM 2: REZONE PROPERTY - RIVERVIEW DRIVE - CONTINUED FROM DECEMBER 15, 2009, CITY COUNCIL MEETING

Mayor Wall announced that a public hearing had been continued to consider rezoning from R-6, Residential District,

to R-M, Residential-Mobile Home District, property located on the east side of Riverview Drive approximately 300 feet from Durham Street Extension as shown on Alamance County Tax Map 12-30, Lots 3 and 4. (Continued from December 15, 2009, City Council meeting)

Mr. Jeff Mitchell, petitioner, requested to rezone to R-M, Residential-Mobile Home District, to place a mobile home on property located on Riverview Drive.

Ms. Jeanne Thompson, 2239 Durham Street Extension, stated that Mr. Mitchell was paying taxes on this property and that he should be able to put a mobile home on this property to be rented.

Councilmember Faucette stated he viewed the property and asked if that was the mobile home that would be placed on the property and stated that there would need to be a lot work done in order to meet code.

Mr. Mitchell stated that the mobile home had to be moved from the trailer park it was in and that it had been approved at the Planning and Zoning meeting. Mr. Mitchell stated that the mobile home was sitting there until final approval from Council was given before any improvement was made. Mr. Mitchell also stated that after all improvements were made it would look really nice.

Councilmember Ross asked Planning Director Bob Harkrader if there were any minimal housing standards for mobile homes.

Mr. Harkrader stated that mobile homes are required to meet a code developed by Department of Housing and Urban Development or HUD code. He stated that Burlington's code would require a permanent foundation, and wiring and utilities code requirements be met before the unit could be occupied.

Mayor Pro Tem Huffman stated that the unit looked bad and if questioned that area was appropriate zoning. He stated that by rezoning to R-M would be transitioning in the opposite direction from what Council would like for that area.

Councilmember Butler asked Mr. Harkrader if the Planning and Zoning Commission had recommended approval of this request.

Mr. Harkrader stated that it was recommended for approval by P & Z and staff.

Councilmember Faucette stated that this area used to be unsafe but over the years more homes were built and people began to take more responsibility for their properties.

Councilmember Butler stated that the area was subject to R-M zoning and was conducive to that type of zoning.

Mr. Harkrader stated that this mobile home would have to meet State building codes in terms of hookups, utilities, electrical service, etc., and these would not be the same for stick built homes.

Mayor Pro Tem Huffman stated that by rezoning this property one would agree to put a mobile unit on it and instead of holding its value by definition it would depreciate in value. He stated that by rezoning to R-M it would allow for a structure to be placed on the property that would depreciate in value and thereby allow the neighborhood to depreciate in value.

Mr. Harkrader stated that he understood and further stated that in many instances these mobile homes do depreciate and that the real question was does the City provide opportunities for these alternative forms of housing for people that need it.

Upon motion by Councilmember Butler, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

Councilmember Butler moved for the adoption of the following ordinance:

10-01

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property on Riverview Drive)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from R-6, Residential District, to R-M, Residential-Mobile Home District, the property located on the east side of Riverview Drive approximately 300 feet from Durham Street Extension as shown on Alamance County Tax Map 12-30, Lots 3 and 4.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Mayor Wall, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Butler and Faucette. Voting against the rezoning were Huffman and Ross.

NEW BUSINESS:

ITEM 3: APPROVE CONTRACT FOR PROFESSIONAL SERVICES - HAZEN & SAWYER, P.C. - EAST BURLINGTON AND SOUTH BURLINGTON WASTEWATER TREATMENT PLANTS NUTRIENT REMOVAL IMPROVEMENTS - BUDGET AMENDMENT 2010-28

Mayor Wall announced that the City Council would consider approval of a contract for professional services with Hazen & Sawyer, P.C., in the amount of \$3,460,057, for East Burlington and South Burlington wastewater treatment plants nutrient removal improvements and to approve Budget Amendment 2010-28.

Water Resources Director Bob Patterson stated that at the December 1, 2009, City Council meeting, representatives from Hazen & Sawyer presented engineering recommendations from preliminary engineering reports regarding nutrient removal improvements at the City's two wastewater treatment plants. The Jordan Lake rules, which became effective in August 2009, are the primary driver for the nutrient removal upgrades. Mr. Patterson stated that the engineering team from Hazen and Sawyer performed extensive process modeling and analysis of the existing facilities and treatment processes at each plant. The proposed upgrades at the South Burlington Wastewater Treatment Plant include replacement of the existing filters with deep bed denitrification filters, and improvements are planned to the influent pump station, flow equalization and flow distribution, and aeration systems as well as other treatment processes.

The proposed upgrades at the East Burlington Wastewater Treatment Plant include improvements to the grit screening and grit removal equipment, influent pump station, and improvements to the flow equalization and aeration systems and other treatment processes. In addition to nutrient removal, the improvements at

both plants are expected to provide reliable operation and performance. Significant energy saving is expected to be achieved through the prudent selection of processes and equipment. The plant upgrades are planned as three projects - South Plant Filter replacement first, then improvements at each of the two plants more or less on the same time schedule. Mr. Patterson stated that the work performed by Hazen & Sawyer to date had been an important analysis of where the City is, and that the preliminary engineering reports had established the basis for upgrading the plants to meet the Jordan Lake Nutrient Reduction requirements for point sources.

Mr. Patterson requested that Council approve an amendment to the original professional services agreement with Hazen & Sawyer and the associated budget amendment. He also stated that if this request was approved, Hazen & Sawyer would provide detailed designs for each of the three projects, contractor prequalification, preparation of bidding documents, review of bids received and construction management services relating to project administration and on-site observation construction work in progress to make sure the work conforms to the plans and specifications. He stated that the estimated cost of this professional contract was \$3,460,057 and included design and construction management services of \$3.4 million for all three projects. Additionally, this contract would include an additional task item to update the hydraulic modeling for the water distribution system, which was approximately \$50,000.

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve a contract with Hazen and Sawyer in the amount of \$3,460,057 and to approve Budget Amendment 2010-28.

JORDAN LAKE RULES PROJECT ORDINANCE  
BA2010-28  
(Originally established with BA2009-24)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159, of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

- Sec. 1. The project authorized is upgrades to South Burlington Wastewater Treatment Plant and East Burlington Wastewater Treatment Plant pursuant to Jordan Lake Rules to remove nitrogen and phosphorus from plants' effluent.
- Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.

Sec. 3. The following revenues are anticipated to be available to the City to complete the project:

640-38000-0000	Operating Transfers In	\$	206,100
640-38100-0000	Bond Proceeds		<u>3,460,057</u>
			3,666,157

Sec. 4. The following amounts are appropriated for the project:

640-50000-1900	Professional/Eng Svcs	\$	206,100
640-50000-1900	Professional/Eng Svcs		<u>3,460,057</u>
		\$	3,666,157

Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.

Sec. 6. Copies of this project ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve a contract with Hazen and Sawyer in the amount of \$3,460,057 and to approve Budget Amendment 2010-28.

#### PUBLIC COMMENT PERIOD

There were no public comments.

#### CITY COUNCIL COMMENTS

- Mayor Wall asked Recreation and Parks Director Tony Laws to comment on the Jimmy Combs Memorial Fund. Contributions received would be used for a complete stage renovation to the City Park amphitheater and main stage area.
- Mayor Wall stated that NCDOT Secretary Gene Conti would meet with local officials on January 20, 2010, 10:00 a.m. in the Council Chamber to discuss DOT issues.
- Mayor Wall commended Public Works employees for their hard work and successful efforts in snow removal.

ADJOURN:

Upon motion by Mayor Wall, seconded by Councilmember  
Faucette, it was resolved unanimously to adjourn.  
(7:43 PM)

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Jondeen D. Terry  
City Clerk